

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:11-CR-58-BR
NO. 5:16-CV-726-BR

HILARIA RODRIGUEZ,)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
Respondent.)

ORDER

This matter is before the court on petitioner's 28 U.S.C. § 2255 motion. (DE # 120.) Because petitioner has previously filed a § 2255 motion, he must seek authorization from the Court of Appeals to file a second or successive § 2255 motion. 28 U.S.C. §§ 2244(b), 2255(h). The motion is DISMISSED WITHOUT PREJUDICE. The court finds that petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Pursuant to Rule 11(a) of the Rules Governing Section 2255 Proceedings, a certificate of appealability is DENIED.

This 3 November 2016.



W. Earl Britt
Senior U.S. District Judge